

Message Text

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ORIGIN EB-07

INFO OCT-01 ISO-00 /008 R

66616

DRAFTED BY E/TD:RTBLACK

APPROVED BY EB/TD:RTBLACK

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R 291814Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY STOCKHOLM

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FOLLOWING REPEAT OTTAWA 333 ACTION SECSTATE INFO LONDON

DATED 28 JAN 75

QUOTE

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DEPT PASS APPROPRIATE POSTS FOR O'NEILL

EO 11652 NA

TAGS ETEL TSPA XG UR AS CA JA

SUBJ MARITIME COMMUNICATIONS SATELLITE SYSTEM

REF STATE 016188; DEPT'S A-46, JAN. 6, 1975; OTTAWA 49

1. MARITIME SATELLITE QUESTION DISCUSSED JANUARY 28
WITH JOSEPH S. STANFORD, DEPUTY DIRECTOR, LEGAL ADVISORY
DIVISION, EXTAFF, WHO ADVISED TCO THAT HE WILL BE PRINCIPAL
CANREP AT LONDON CONFERENCE IN APRIL. CABINET MEMORANDUM
IN LAST STAGES OF PREPARATION BUT WILL BE CONFINED TO
VERY GENERAL CONCEPTS (I.E., EFFORT TO ESTABLISH SMALL,
INTERNATIONAL ORGANIZATION AND MINIMIZE COSTS TO CANADA
FROM PARTICIPATION). DETAILED POSITIONS WITHIN THIS
FRAMEWORK WILL BE WORKED OUT IN INTERAGENCY COMMITTEE
WITHIN NEXT SEVERAL WEEKS AND NEED NOT GO TO CABINET,
HE ADVISED. INTERAGENCY COMMITTEE WILL WELCOME VISIT FROM
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US TEAM TO DISCUSS ISSUES IN DETAIL.

2. STANFORD INDICATED THAT ON THE BASIS OF COMMITTEE'S DELIBERATIONS TO DATE HE COULD STATE THAT GOC FULLY ACCEPTS CONCEPT THAT A MEMBER GOVERNMENT MIGHT DESIGNATE A TELECOMMUNICATIONS ENTITY TO ASSUME, ON BEHALF OF THE GOVERNMENT DESIGNATING IT, FULL FINANCIAL AND OPERATING RESPONSIBILITY IN ANY INTERNATIONAL ARRANGEMENT. HE INDICATED, HOWEVER, THAT THE EXPRESSION "ON BEHALF OF THE GOVERNMENT DESIGNATING IT" WAS EXTREMELY IMPORTANT SO FAR AS GOC CONCERNED. THE BASIC OBLIGATION TO THE SYSTEM (THAT IS, ULTIMATE RESPONSIBILITY FOR ADHERENCE TO THE TERMS OF THE AGREEMENT) MUST REMAIN THAT OF GOVERNMENTS AND SHOULD NOT BE DIVESTABLE TO AN OPERATING ENTITY. STANFORD FURTHER INDICATED THAT GOC NOT LIKELY TO OBJECT IN PRINCIPLE TO THE CONCEPT OF DRAFTING TWO CONVENTIONS (ONE INTERGOVERNMENTAL, THE OTHER OPERATING) BUT HE WONDERS WHETHER THE CONFERENCE WILL ACCEPT THE CONCEPT WHICH MANY FEEL WOULD MAKE THE EXERCISE OF REACHING AGREEMENT UNDULY COMPLICATING. GOC, IN PARTICULAR, WOULD NOT LIKE TO SEE EITHER THE PROCESS OF REACHING AGREEMENT OR THE RESULTING DOCUMENTS AS COMPLEX AS WAS THE CASE WITH INTELSAT.

3. IN LIGHT OF O'NEILL-O'CONNOR JANUARY 21 TELECON, STANFORD AND TOC ALSO REVIEWED THE VARIOUS POINTS CONTAINED IN THE ATTACHMENT TO REFAIR. HE SUGGESTED GOC AND USG WERE IN AGREEMENT WITH RESPECT TO CONCEPT THAT A PARTICIPANT'S INVESTMENT AND VOTE ON OPERATING AND FINANCIAL MATTERS SHOULD BE DIRECTLY PROPORTIONATE TO ITS ACTUAL USE OF THE SYSTEM. HOWEVER, HE CAUTIONED THAT THERE WAS A QUESTION OF HOW USE SHOULD BE COUNTED AND REFERRED TO CONTROVERSY AS TO WHETHER THE EMPHASIS SHOULD BE ON THE ORIGIN OR LAND-END OF THE TRAFFIC. HE STATED THAT THE U.S. SEEMS TO EMPHASIZE THE LAND-END, WHEREAS CANADA FAVORS BASING IT ON ORIGIN SINCE THERE ARE RELATIVELY FEW CANADIAN FLAG VESSELS AT SEA WHICH WOULD BE ORIGINATING OR RECEIVING TRAFFIC. HE POINTED OUT THAT ORIGIN FORMULA WOULD MINIMIZE COST TO CANADA OF PARTICIPATING IN PROPOSED SYSTEM AND THAT PRINCIPLE OF MINIMIZATION HAS A HIGH VALUE SO FAR AS LIMITED OFFICIAL USE

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GOC CONCERNED.

4. WITH RESPECT TO ACCESS, STANFORD NOTED PRECISE POSITION OF GOC NOT YET FULLY DEVELOPED AND THAT FORMULATION IN US PAPER (ENCLOSURE T REFAIR) NOT COMPLETELY CLEAR. IN GENERAL, GOC WOULD SUPPORT THE PRINCIPLE OF UNIVERSAL ACCESS BUT, HE SUGGESTED, DISCUSSION AT THE APRIL CONFERENCE WILL BE ON THE TERMS

AND CONDITIONS OF ACCESS. HE BELIEVES THAT WITHIN THIS FRAMEWORK CANADIAN POSITION WILL BE THAT A STATE MAKING AN INVESTMENT IN THE SYSTEM SHOULD NOT HAVE TO PAY AS MUCH FOR USE AS A NON-CONTRIBUTOR. HOWEVER, THE ISSUE HAS NOT YET BEEN FULLY DISCUSSED IN THE INTER-AGENCY COMMITTEE AND HE HIMSELF HAD NOT YET ANALYZED THE LANGUAGE IN THE POE DRAFT DEALING WITH DISCRIMINATION IN TERMS OF ITS POSSIBLE AMBIGUITY.

5. ON THE QUESTION OF PROCUREMENT, STANFORD ALSO NOTED THAT THE GOC POSITION WAS STILL IN AN EMBRYONIC STAGE AND HAS NOT BEEN DISCUSSED SINCE LAST NOVEMBER. AT THAT TIME THE RECOMMENDATION OF THE DEPARTMENT OF INDUSTRY, TRADE AND COMMERCE (THE AGENCY MOST CONCERNED) WAS THAT THE GOC SHOULD SUPPORT USG POSITION. IF USG POSITION DOES NOT CARRY, THEN GOC SHOULD SEEK TO RELATE PROCUREMENT TO INVESTMENT SHARES IN ORDER THAT CANADA MIGHT GET A PIECE OF THE ACTION. HOWEVER, STANFORD NOTED THAT PROCUREMENT MAY BECOME AN ISSUE ONLY IF THE ORGANIZATION OWNS AND OPERATES ITS OWN SYSTEM. IF THE ORGANIZATION ENTERS INTO A LEASE ARRANGEMENT WITH INTELUT THEN THE QUESTION WILL BECOME SIMPLY ONE OF INTELSAT PROCUREMENT ON WHICH POLICY HAS ALREADY BEEN DETERMINED.

6. IN CONCLUSION, STANFORD POSED A QUESTION AS TO WHETHER IT IS STILL USG POLICY TO OPPOSE THE CREATION OF ANY NEW INTERNATIONAL ORGANIZATION AND TO LEAVE THE ENTIRE FIELD TO INTELSAT. ON THE BASIS OF THE INFORMATION IN THE REFTTEL AND ATTACHED TO REFAIR IT DID NOT APPEAR THAT EMBASSY HAD ANY BASIS ON WHICH TO RESPOND TO THIS QUESTION. DEPARTMENT REQUESTED PROVIDE GUIDANCE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMMUNICATION SATELLITES, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE020712
Document Source: CORE
Document Unique ID: 00
Drafter: RTBLACK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750033-0827
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975019/aaaaaiaz.tel
Line Count: 156
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 016188, 75 DEPT'S A-46, 75 JA6, 75 1975, 75 OTTAWA 49
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 06 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 MAY 2003 by SmithRJ>; APPROVED <16 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MARITIME COMMUNICATIONS SATELLITE SYSTEM
TAGS: ETEL, TSPA, XG, UR, AS, CA, JA, US
To: STOCKHOLM
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006